

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

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|-------------------------------------|--------------------------|
| FARHAT H. RIZVI, |) |
| |) |
| |) |
| Petitioner, |) |
| |) |
| v. |) Civil Action |
| |) No. 06-3485-CV-S-RED-H |
| JOSEPH E. GUNJA, Warden, |) |
| United States Medical Center |) |
| for Federal Prisoners, |) |
| |) |
| Respondent. |) |

ORDER AND JUDGMENT

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate Judge for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate Judge has completed his preliminary review of the petition and has submitted to the undersigned a report and recommendation that the petition be dismissed without prejudice.

Petitioner has filed exceptions to the report and recommendation of the magistrate judge, in which he asserts he is challenging the method in which his request for compassionate release was handled. A review of the records in this case reflect that his request was reviewed by the unit manager; the case manager coordinator; the clinical director; the associate warden, and the warden. (Doc. 9-3) This review was made, after a special progress note was prepared by the Chief of Nephrology at the United States Medical Center for Federal Prisoners. There is no basis for habeas corpus relief, and Petitioner's exceptions must therefore be overruled. It is

ORDERED that petitioner be, and he is hereby, denied leave to proceed in forma pauperis;
it is further

ORDERED, ADJUDGED and DECREED that the petition filed herein be dismissed without
prejudice.

/s/ Richard E. Dorr
RICHARD E. DORR
UNITED STATES DISTRICT JUDGE

Date: April 10, 2007